# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/648,870 | 08/25/2000 | Hiroyuki Hara | B588-011 | 6789 |

26272      7590      10/27/2003

ROBIN BLECKER & DALEY
2ND FLOOR
330 MADISON AVENUE
NEW YORK, NY 10017

| EXAMINER |
|---|
| ELISCA, PIERRE E |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3621 | |

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _THREE_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _08/21/2003_ .

2a) ☐ This action is **FINAL**.  2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-14_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D.C. 20231


## DETAILED ACTION


1.    This Office action is in response to Applicant's RCE/Amendment, filed on 08/21/2003.


2.    Claims 1-14 are pending.


*Claim Rejections - 35 USC § 103*

3.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.    Claims 1-14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sato et al. (U.S.

Pat. No. 6,108,638) in view of Mochizuki (U.S. Pat. No. 6,463,539).

As per claims 1, 2, Sato substantially discloses a data processing system/method which comprises a plurality of input units for registering selected products, and a processing unit connected to the plurality of input units for calculating a total price for the selected products( which is readable as Applicant's claimed invention wherein it is stated that a charge calculation), comprising:

first calculation means for calculating a charge for using application software applied to create and/or edit data (see., abstract, col 4, lines 24-67, col 6, lines 6-55, fig 6, specifically wherein said calculating the total price in the operating means by reading all the PLU data of the products (products or application software). It is to be noted that Sato fails to explicitly disclose a second calculation means for calculating a charge for using a data input/output device (data input/output or computer or calculating a charge for using a computer or device ). However, Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information , and a number of judging points at where reproduction of the information is judged, and a charging information calculated from a degree of software utilization, please note that the software utilization is stored in the IC card. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the data processing of Sato by including the limitations detailed above as taught by Mochizuki because this would interrupt information that is not charged to the user.

**As per claim 3, Sato** discloses the claimed limitations, wherein said data input/output device comprises at least one of a printer, scanner, copying machine, server, facsimile apparatus, and external storage device (see., fig 6).

**As per claims 4, 5, 6 Sato** substantially discloses a data processing system/method which comprises a plurality of input units for registering selected products, and a processing unit connected to the plurality of input units for calculating a total price for the selected products( which is readable as Applicant's claimed invention wherein it is stated that a charge calculation apparatus), comprising: first calculation means for calculating a charge for using application software applied to create and/or edit data (see., abstract, col 4, lines 24-67, col 6, lines 6-55, fig 6, specifically wherein said calculating the total price in the operating means by reading all the PLU data of the products (products or application software). It is to be noted that Sato fails to explicitly disclose a second calculation means for calculating a charge for using a data input/output device (data input/output or computer or calculating a charge for using a computer or device ). However, Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information , and a number of judging points at where reproduction of the information is judged, and a charging information calculated from a degree of software utilization, please note that the software utilization is stored in the IC card. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the data processing of Sato by including the limitations detailed above as taught by Mochizuki because this would interrupt information that is not charged to the user.

**As per claims 7, 8, and 10-12 Sato** substantially discloses a data processing system/method which comprises a plurality of input units for registering selected products, and a processing unit connected

to the plurality of input units for calculating a total price for the selected products( which is readable as Applicant's claimed invention wherein it is stated that a charge calculation apparatus), comprising: first calculation step of calculating a charge for using application software applied to create and/or edit data (see., abstract, col 4, lines 24-67, col 6, lines 6-55, fig 6, specifically wherein said calculating the total price in the operating means by reading all the PLU data of the products (products or application software). It is to be noted that Sato fails to explicitly disclose a second calculation step of calculating a charge for using a data input/output device (data input/output or computer or calculating a charge for using a computer or device ). However, Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information , and a number of judging points at where reproduction of the information is judged, and a charging information calculated from a degree of software utilization, please note that the software utilization is stored in the IC card. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the data processing of Sato by including the limitations detailed above as taught by Mochizuki because this would interrupt information that is not charged to the user.

**As per claim 9, Sato** discloses the claimed limitations, wherein said data input/output device comprises at least one of a printer, scanner, copying machine, server, facsimile apparatus, and external storage device (see., fig 6).

As per claims 13 and 14, Sato substantially discloses a data processing system/method which comprises a plurality of input units for registering selected products, and a processing unit connected to the plurality of input units for calculating a total price for the selected products( which is readable as Applicant's claimed invention wherein it is stated that a charge calculation apparatus), comprising: a code of a first calculation step of calculating a charge for using application software applied to create and/or edit data (see., abstract, col 4, lines 24-67, col 6, lines 6-55, fig 6, specifically wherein said calculating the total price in the operating means by reading all the PLU data of the products (products or application software). It is to be noted that Sato fails to explicitly disclose a code of a second data calculation step of calculating a charge for using a data input/output device (data input/output or computer or calculating a charge for using a computer or device ). However, Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information , and a number of judging points at where reproduction of the information is judged, and a charging information calculated from a degree of software utilization, please note that the software utilization is stored in the IC card. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the data processing of Sato by including the limitations detailed above as taught by Mochizuki because this would interrupt information that is not charged to the user.

*Conclusion*

5.     Any inquiry concerning this communication from the examiner should be directed to Pierre

Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from

6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor,

James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

**(703) 305-7687**

Pierre Eddy Elisca

Patent Examiner

**October 23, 2003**